

Council on Postsecondary Education
Committee on Equal Opportunities
February 11, 2002

Review of Process for Granting a Waiver Subcommittee Findings

The Committee on Equal Opportunities appointed a subcommittee to review the waiver provisions of SB 398 and report its findings to the committee at the February 2002 meeting. Members of the subcommittee are Marlene Helm (chair), Walter Baker, Hilma Prather, and Wendell Thomas. The subcommittee met Wednesday, December 5, 2001, at the Kentucky Center for the Arts, Louisville, Kentucky.

The subcommittee determined that the Administrative Regulation governing the granting of waivers should not be revised. However, it was suggested that the format for information presented by council staff and institutions should be improved. The suggested improvements are:

- The CEO should begin having a study session on the Sunday afternoon prior to a regular meeting to discuss issues and develop more camaraderie. The first study session should be held Sunday, February 10, 2001. The session should cover information about the history of Kentucky desegregation planning, establishment of the CEO, passage of SB 398, and establishing the waiver process.
- Council staff should include a comparative summary of institution performance, status of recommendations from campus visits, and past actions of institutions to implement programs promised when requesting a waiver in a prior year.
- Include the institution's written request as an appendix to the staff report.
- The CEO should consider placing a limit on the number of programs that an institution may implement under the waiver provisions.
- Develop a template for institutional submission of the request for a waiver. As part of the waiver process review process, ask requesting institutions to provide specific actions, timelines, and outcome measures rather than general information on each of the 10 items listed in 13 KAR 2:060. If an institution has received a waiver in the prior four years, require the report to include the status of the specific programs implemented to support granting of waivers in the prior years.

- Alter the approval process for granting of a waiver. Possible strategies:
 - Make the granting of a waiver a two step process.
 - Institutions would present plans for improvement at one meeting; then the CEO would vote on the request at a second meeting – after the institution presented evidence of success.
 - The CEO should allow approximately 60 days between the presentation by an institution and voting on the request for a waiver.
- Institutions should be required to return and make a full presentation of progress after the conclusion of the waiver period. This should include reports of actions taken by the institutions to implement recommendations made at the most recent campus visit by CEO.
- The CEO should give a regular report at each council meeting so that the issues of equity and EEO compliance take on a more prominent role.
- CEO members should become experts on a particular institution.
- Members of CEO should have a term limit.

Staff preparation by Sherron Jackson